

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
NORTHERN DIVISION

CINDY HALABURDA, individually and
on behalf of all others similarly situated,

Plaintiff,

v.

Case Number 12-12831
Honorable Thomas L. Ludington

BAUER PUBLISHING CO., LP, a
Delaware partnership,

Defendant.

_____ /

**ORDER TO SHOW CAUSE WHY CASE SHOULD NOT BE DISMISSED FOR
FAILURE TO PROPERLY PLEAD SUBJECT MATTER JURISDICTION**

On August 23, 2012, Plaintiff Cindy Halaburda filed an amended complaint against Defendant Bauer Publishing Co., LP. Plaintiff's complaint seeks class action status, but federal court jurisdiction is asserted based upon diversity of citizenship under 28 U.S.C. § 1332 (d)(2)(A). "[F]ederal courts have an independent obligation to investigate and police the boundaries of their own jurisdiction" *Douglas v. E.G. Baldwin & Assocs., Inc.*, 150 F.3d 604, 607 (6th Cir. 1998). This Court has original jurisdiction over a class action where "any member of a class of plaintiffs is a citizen of a State different from any defendant." 28 U.S.C. § 1332 (d)(2)(A). A plaintiff should "carefully allege the facts establishing each party's domicile to show complete diversity between all plaintiffs and defendants." *See generally* 15 James Wm. Moore et al., *Moore's Federal Practice* § 102.31 (3d ed. 1999). A partnership's citizenship is determined with reference to each of its partners. *Id.* at § 102.57.

The complaint alleges that Defendant is a Delaware partnership and that Plaintiff is a citizen of Michigan. Am. Compl. ¶ 7, 8. But the complaint does not specify where each of Defendant's partners are domiciled. Consequently, the Court is unable to determine whether complete diversity of the parties exists. Further, while the Plaintiff may be a citizen of Michigan, proper venue cannot be determined until it is known where in Michigan she resides.

Accordingly, it is **ORDERED** that Plaintiff is **DIRECTED** to identify her specific domicile, and that of each of Defendant's partners, by **September 26, 2012**.

s/Thomas L. Ludington
THOMAS L. LUDINGTON
United States District Judge

Dated: September 5, 2012

PROOF OF SERVICE

The undersigned certifies that a copy of the foregoing order was served upon each attorney or party of record herein by electronic means or first class U.S. mail on September 5, 2012

s/Tracy A. Jacobs
TRACY A. JACOBS